

State of California
Regional Water Quality Control Board
San Diego Region

EXECUTIVE OFFICER SUMMARY REPORT
February 9, 2005

ITEM: 11

SUBJECT: NPDES PERMIT RENEWAL: UNIVERSITY OF CALIFORNIA, SCRIPPS INSTITUTION OF OCEANOGRAPHY, SAN DIEGO COUNTY (TENTATIVE ORDER NO. R9-2005-0008, NPDES PERMIT NO. CA0107239) (Paul J. Richter)

PURPOSE: To hold a public hearing and receive comments from interested parties regarding the renewal of the NPDES permit for waste discharge requirements for the University of California, Scripps Institution of Oceanography (SIO).

PUBLIC NOTICE: The NPDES permit hearing notice was published in the San Diego Union-Tribune on January 7, 2005 for the Regional Board meeting scheduled for February 9, 2005.

Copies of the tentative Order were mailed on January 6, 2005 to the discharger and to all known interested parties and agencies. Copies were made available for public review at the Regional Board office on January 6, 2005. Copies of the tentative Order were sent via e-mail to SIO and were posted on the Regional Board's web site on January 6, 2004.

These actions served as the 30-day official public notification for this action, as required by Title 40, Section 124.10 of the Code of Federal Regulations.

DISCUSSION: On November 10, 2004, the Regional Board considered the adoption of tentative Order No. R9-2004-0378, a tentative Order for the renewal of the NPDES Permit for SIO. At the November 10, 2004 Regional Board meeting, the Regional Board identified outstanding issues and did not take action on the tentative Order. The Regional Board directed staff to work with SIO to resolve the outstanding issues mentioned during the Item's discussion. The issues included allowing SIO additional time to develop and define timetables for compliance with the tentative Order, to establish appropriate compliance timelines in the

tentative Order, and to incorporate the errata sheet changes and other changes made to the tentative Order

This tentative Order has been amended, provided to SIO and to all known interested parties, and has been properly noticed to the public. This agenda package also provides, where appropriate, the pertinent information presented to the Regional Board at its November 10, 2004 meeting.

The tentative Order has been amended to include the following:

- a. The modifications from the Regional Board's November 10, 2004 meeting errata sheet.
- b. The numeric effluent limitations in Table 1 in the tentative Order for discharges from Outfalls 001 and 003 become effective immediately upon adoption of the tentative Order.
- c. The numeric effluent limitations in Tables 2, 3, and 4 in the tentative Order for discharges from Outfalls 001, 003, 004a and 004b become effective 3 years after adoption of the Order.
- d. During the first year after the adoption of this Order, the discharge from Outfalls 001 shall be sampled and analyzed twice quarterly, and the discharges from Outfalls 003, 004a, and 004b shall be combined as a flow weighted composite or as a calculated composite, and sampled and analyzed twice quarterly.
- e. The discharges from Outfall 002 are required to comply with narrative effluent limitations. The narrative effluent limitations include a requirement for SIO to review and modify its Storm Water Management Plan (SWMP) if the narrative effluent limitations are exceeded.
- f. The number of surf zone monitoring station locations for bacteria was reduced. The locations now coincide with the surf zone monitoring station locations used by the County of San Diego. The near shore monitoring station locations for bacteria were eliminated.
- g. Three bacterial monitoring studies to assess the impact, sources, and transport of bacteria during dry weather, wet weather, and when mammals are in the Ring Tank were added to the tentative Order.

This Regional Board regulates the existing discharges of waste from SIO under Order No. 93-83, NPDES Permit No. CA0107239, *Waste Discharge Requirements for the University of California Scripps Institution of Oceanography, San Diego County*. The SIO discharge

consists of waste seawater and municipal storm water runoff to the Pacific Ocean.

The current NPDES Permit, Order No. 99-83, expired on November 10, 2004 but was administratively continued. If adopted, tentative Order No. R9-2005-0008 will renew the NPDES permit.

KEY ISSUES:

The SIO discharges into the San Diego Marine Life Refuge, an area of the Ocean identified by the State Water Resources Control Board (State Board) as an Area of Special Biological Significance (ASBS). The California 2001 Ocean Plan prohibits discharges of waste into any ASBS unless the discharger applies for and receives an exception to the Ocean Plan from the State Board. SIO has applied for and the State Board had granted an exception to the Ocean Plan for discharges from SIO. The attached Staff Report contains further details on the exception and the conditions that SIO must comply with to continue its discharge.

On July 22, 2004, the State Board adopted Resolution No. 2004-0052, which provides an exception to the Ocean Plan prohibition for the discharges at SIO. The Resolution contained numerous conditions that are included in this tentative Order.

LEGAL CONCERNS:

None.

**SUPPORTING
DOCUMENTS:**

1. Location map, vicinity map and ASBS map.
2. Staff Report dated January 24, 2005.
3. Tentative Order No. R9-2005-0008 (including the Monitoring and Reporting Program).
4. Fact Sheet
5. Transmittal Letter dated January 6, 2005.
6. Comment documents from SIO, dated January 26, 2005.
7. Comment letter from Ms. Celeste Cantú, Executive Director, State Board, dated November 9, 2004.
8. Comment memorandum from Mr. Stan Martinson, Chief, Division of Water Quality, State Board, dated December 20, 2004.
9. Affidavit of Publication for public notice dated January 7, 2005.

**SIGNIFICANT
CHANGES:**

Because this tentative Order includes the requirements from the State Board Ocean Plan exception, this NPDES permit renewal is a completely different NPDES permit from the current Order, Order No. 99-83. This tentative Order includes approximately 46 conditions, prohibitions, studies, provisions, and monitoring requirements that were not included in Order No 99-83.

**COMPLIANCE
RECORD:**

SIO violated Order No. 99-83 five times between July 2000 and October 2001. The five violations consisted of one flow violation and four effluent limitation violations-oil and grease (twice), settleable solids and total suspended solids. SIO has not had any violations since October 2001.

RECOMMENDATION:

Adoption of tentative Order No. R9-2005-0008 is recommended.